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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,585	03/25/2004	Rhonda L. Childress	AUS920040120US1	7113

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EXAMINER	
PAUL, DISLER	

ART UNIT	PAPER NUMBER
2615	

NOTIFICATION DATE	DELIVERY MODE
07/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/809,585	CHILDRESS ET AL.	
	Examiner	Art Unit	
	DISLER PAUL	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,11 and 14-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-8,11* is/are allowed.

6)☒ Claim(s) *14-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 14-16,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinzalow et al. (US 6,052,603 B1) and Itamochi (US 6,154,663).

Re claim 14, Kinzalow et al. disclose of an apparatus for controlling an audio system volume (fig.3), the apparatus comprising: a radio unit; a vehicle integrated sensor that wirelessly detect a radio frequency transmission having a selected frequency through a sensor, wherein the selected frequency is indicative of a mobile telecommunications device communicating with a base transceiver station, monitors the radio frequency transmission to form a monitored transmission (fig.3 wt (16,14,26); col.5 line 1-15; col.5 line 35-43; col.10 line 45-65); and a controller connected to the radio unit and the sensor wherein the controller sends a signal to the radio unit to reduce volume (fig.3 wt (10), col.6 line 10-15,col.12 line 45-49/based on detected volume adjusted).

While, kinzalow et al. disclose of the above with adjusting the volume based on predetermined frequency detected and monitoring, However, Kinzalow et al. fail to disclose of the specific monitoring transmission for determining when a call has ended. Itamochi disclose of the system with similar concept wherein specific monitoring transmission for determining when a call has ended (fig.1,,5,8; col.5 line 32-50; col.4 line 50-63/monitored of no infra red signal based on peredetermined level) for purpose turning off the switch as communication is over for adjusting the volume. Thus, taking the combined teaching of Kinzalow et al. and Itamochi as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify kinzalow et al. by incorporating the specific wherein monitoring transmission for determining when a call has ended for purpose turning off the switch as communication is over for adjusting the volume.

While, the combined teaching of Kinzalow et al. and Itamochi as a whole, disclose of the adusing the volume after detecting the end call (itamochi, col.4 line 5-10), However, the combined teaching of Kinzalow et al. and Itamochi as a whole, fail to disclose of the specific restore the volume to a prior setting. However, official notice is taken the concept of restoring to a prior volume is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to have modify Kinzalow et al. and Itamochi

as a whole, with the specific wherein restore the volume to a prior setting for outputting comfortable audio signal.

Re claim 15 has been analyzed and rejected with respect to claim 14.

Re claim 16, the method of claim 1, wherein the mobile telecommunications device is a global system for a mobile communications phone (col.4 line 54).

Re claim 18, the data processing system of 15, wherein the data processing system is a computing platform for a vehicle (fig.3 wt (10)).

2. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over Kinzalow et al. (US 6,052,603 B1) and Itamochi (US 6,154,663).and further in view of Han et al.(US 2004/0151336 A1).

Re claim 19, the method of claim 15, However, the combined teaching of Kinzalow et al. and Itamochi as a whole, fail to disclose of the wherein the audio system volume is reduced to a preselected volume. However, Han et al. disclose of a system wherein the similar concept of the audio system volume is reduced to a preselected volume (par[0010,0017]) for preventing the injuring of the humans ear during mode listening operation. Thus, taking the combined teaching of the combined teaching of Kinzalow et al. and Itamochi and Han et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify the the combined teaching of Kinzalow et al. and Itamochi as a whole, by incorporating the similar concept of the audio system volume is reduced to a preselected volume for preventing the injuring of the humans ear during mode listening operation.

Re claim 20, the method of claim 19, wherein the preselected volume is used configurable (par[0010]).

3. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over and Kinzalow et al. (US 6,052,603 B1) and Itamochi (US 6,154,663) and further in view of Official Notice.

RE claim 17, the combined teaching of Kinzalow et al. and Itamochi as a whole, teach of the method of claim 15, wherein the incoming phone calls and selected frequency are being transmitted over the radio system (fig.7; col.6 line 32, col.5 line 52-59), However, the combined teaching of Kinzalow et al. and Itamochi as a whole, fail to disclose of the specific of wherein the selected frequency has a range from about 890 MHz to about 960 MHz. However, official notice is taken that the concept of transmitting such selected frequency in the range of 890 MHz to about 960 MHz is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporated the specific of transmitting such selected frequency in the range of 890 MHz to about 960 MHz for the purpose of reproducing the incoming phone calls of the audio signals over the radio system speakers.

Allowable Subject Matter

4. Claims 1-8,,11 are allowed.

Re claim 1, None of the prior art of record disclose of the vehicle integrated sensor , determining by the vehicle, whether a signal strength of the radio frequency is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that the mobile telecommunications device is located within the vehicle and responsive to such signal strength of the radio frequency is greater than the threshold predetermined level , reducing the audio system volume.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615